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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/071,376	02/08/2002	Nian hua Ou	01-450	1739

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EXAMINER

STERLING, AMY JO

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 07/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/071,376

Applicant(s)

OU ET AL.

Examiner

Amy J. Sterling

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is the **Final Office Action** for application number 10/071,376 Laminated Wood Piece and Door Containing the same, filed on 2/8/02. Claims 1-16 are pending. This **Final Office Action** is in response to applicant's reply dated 4/20/05. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

A broad range or limitation together with a narrow range or limitation that falls within the broad range or limitation (in the same claim) is considered indefinite, since the resulting claim does not clearly set forth the metes and bounds of the patent protection desired. Note the explanation given by the Board of Patent Appeals and Interferences in *Ex parte Wu*, 10 USPQ2d 2031, 2033 (Bd. Pat. App. & Inter. 1989), as to where broad language is followed by "such as" and then narrow language. The Board stated that this can render a claim indefinite by raising a question or doubt as to whether the feature introduced by such language is (a) merely exemplary of the remainder of the claim, and therefore not required, or (b) a required feature of the

Art Unit: 3632

claims. Note also, for example, the decisions of *Ex parte Steigewald*, 131 USPQ 74 (Bd. App. 1961); *Ex parte Hall*, 83 USPQ 38 (Bd. App. 1948); and *Ex parte Hasche*, 86 USPQ 481 (Bd. App. 1949). In the present instance, claim 2 recites the broad recitation ".3 cm to 1.3 cm", and the claim also recites ".6 cm to about 1.1 cm " which is the narrower statement of the range/limitation.

Claim Rejections - 35 USC § 103

Claims 1-3 and 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 5554429 to Iwata et al.

The patent to Iwata et al. discloses a laminated wood piece having a solid hardwood component (3, See Col. 11 line 27 for material selection) having an upper surface and lower surface that are substantially parallel and a wood composite of oriented strand board (See Col. 2, line 66), having layers (1, 2), the layers being substantially parallel to the lower surface of the hard wood and the layers which have a thickness ration of 1:1 to 1:10. The thicknesses are 0.2mm to 1mm (Col. 11, line 26) for the hard wood (3) and 5mm to 13mm (Col. 7, line 15) for the core layer (1) and 0.1mm to 0.8mm (Col. 7 line 66) for the surface layers (2), thereby producing a thickness ration of 1 to 10. Iwata et al. also teaches a wood composite boards with a density within the range of 35 lbs/ft³ and 48 lbs/ft³ (See Col. 9, line 18: 0.75 g/cm³ converts to 46.8 lbs/ft³). Iwata et al. also teaches that 90% of the strands are oriented substantially parallel to the length of the laminated piece (See Col. 9 lines 64-67 and Col. 10, lines 1-5).

Iwata et al. shows the basic inventive concept with the exception that it does not show the specifics of the dimensions of the thickness of the hardwood being between 0.3cm and 1.3 cm or that the width and length of the piece is 3 to 6 cm or 120 to 305 cm or that the screw holding strength is about 400 lbs. To 1200 lbs or that the device has a split resistance of greater than 1000 lbs or wherein the width of the piece is about 3 to 6 cm and the length of the piece is about 120 to 305cm.

Iwata et al. discloses the claimed invention except for the specific dimensions and strength capabilities. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have these dimensions (See Col. 11, lines 54) or these strength ranges (See Col. 3 lines 29-47), since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges or dimensions involves only routine skill in the art. See In re Aller, 105 USPQ 233.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 5554429 to Iwata et al. as applied to claim 1 above and further in view of United States Patent Publication US 2003/0008110 A1 to Hsu.

Iwata et al. show the basic inventive concept as cited above including that the binder is between the range of 3% to 6% weight (See Col. 6, line 36). Iwata et al. also teaches that many other additives may be added to the wood composite board (See Col. 1 line 39), but does not specifically recite that it contains about 1% to about 2.5% of a wax additive.

Art Unit: 3632

Hsu teaches oriented strand board with a wax additive with weight from about 1% to about 2.5% of a wax additive. (See Table 1, on page 5). This additive is a design choices, used for the moisture resistant properties. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made from the teachings of the Hsu to have used an oriented strand board with the above additive in order to have the moisture resistant properties.

Claims 10-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent 6092343 to West et al. and further in view of United States Patent No. 5554429 to Iwata et al.

West et al. shows the basic inventive concept including a door with opposed doorskins (24), a pair of stile members (18), which are oriented vertically and parallel to each other, a pair of rails (22) and a core (22), wherein the stile is in contact with the core. West et al. does not teach the specific of the core, which is taught by Iwata et al. West et al. also teaches the method of providing a core(22) providing a door stile, securing the door style to the core, the hardwood component being on the outer side of the wood composite. West et al. does not show the stile having the hardwood and parallel layers of wood composite, the wood composite layers contacting the core. West et al. also does not teach the method of cutting the wood composite and the hardwood into the desired dimensions and attaching the sections together, both having the same width.

Iwata et al. teaches a laminated wood piece having a solid hardwood component (3, See Col. 11 line 27 for material selection) having an upper surface and lower surface that are substantially parallel and a wood composite of oriented strand board (See Col. 2, line 66), having layers (1, 2), the layers being substantially parallel to the lower surface of the hard wood and the layers which have a thickness ration of 1:1 to 1:10. The thicknesses are 0.2mm to 1mm (Col. 11, line 26) for the hard wood (3) and 5mm to 13mm (Col. 7, line 15) for the core layer (1) and 0.1mm to 0.8mm (Col. 7 line 66) for the surface layers (2), thereby producing a thickness ration of 1 to 10. This wood composite board used for its strength and flexure capabilities. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention from the teachings of Iwata et al. to have used a core Iwata et al. in order to have the desired strength of the door. The method of cutting the wood composite and the hardwood of the same width and attaching them together would also be an obvious way to make the device, and when assembled the method of having the wood composite touch the core would also be obvious, since that configuration would include facing the more aesthetically pleasing hardwood to the eye of the user.

Response to Arguments

The applicant has argued that the "holding strength" and the "split resistance" are incorporated by reference. This is persuasive and the rejection under 35 USC 112, paragraph 1 has been withdrawn.

The applicant has also argued that the dimensions of the device would not be an obvious rendition of the device. This is unpersuasive in that the dimensions are merely design selections, the ranges of which are merely expected optimizations of the device and according to Aller would be an obvious rendition of the device. Therefore, this argument is unpersuasive.


In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the addition of a wax additive to a wood composition was in the knowledge that was generally available to one of ordinary skill in the art at the time of the invention and therefore is motivated in combination.

Conclusion

THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 3632

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action. Any inquiry concerning this communication should be directed to Amy J. Sterling at telephone number 571-272-6823. The examiner can normally be reached (M-F 8 a.m.-5:00 p.m.). If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached at 571-272-6788. The fax machine number for the Technology center is 703-872-9306 (formal amendments) or 571-273-6823 (informal amendments and communications). Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist at 571-272-3600.


AJSAmy J. Sterling
6/29/05
KIMBERLY WOOD
PRIMARY EXAMINER